



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
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DEPARTMENT OF NATURAL RESOURCES
ROGER L. LANDE, DIRECTOR

June 29, 2011

NPDES General Permit No. 2 Flood Construction Authorization

The Iowa Department of Natural Resources (Department) recognizes the extraordinary circumstances associated with the ongoing Missouri River flooding and the challenges it presents to public health, property, and the environment.

By law, any construction activity that disturbs more than one acre of ground, such as the construction of many flood protection structures, requires coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Most applicants for construction projects apply for and receive coverage under NPDES General Permit No. 2. Due to the emergency nature of many flood related construction activities occurring adjacent to the Missouri River and its tributaries at this time, the Department acknowledges that they must proceed without following normal permitting procedures and that some provisions of General Permit No. 2 are likely to be violated. The Department does not have the authority to issue variances from General Permit No. 2; however, in response to this unique situation, the Department will exercise its enforcement discretion and will not seek administrative penalties for violations of storm water requirements related to flood construction activities. The following guidelines apply:

- For permanent projects: After flood waters have receded, any flood protection construction projects that will be left in place must be stabilized by implementing appropriate erosion control measures where possible. No General Permit No. 2 coverage will be required. Note: flood plain permits may be required.
- Future post-flood construction activities, other than related to these flood protection structures will require General Permit No. 2 coverage if the disturbed area is greater than one acre.

This authorization applies only to storm water requirements related to construction of flood protection structures associated with the flooding of the Missouri River and its tributaries and shall be in effect until floodwaters recede.

For questions or additional information, please contact either Field Office 3 at (712) 262-4177 or Field Office 4 at (712) 243-1934.

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